

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X

Mitsubishi Electric Corporation, Samsung	:	
Electronics Co., Ltd., Thomson Licensing,	:	
Koninklijke Philips Electronics, N.V., U.S. Philips	:	
Corporation, and The Trustees of Columbia	:	
University in the City of New York,	:	
	:	CIVIL CASE DISCOVERY
Plaintiffs,	:	PLAN AND SCHEDULING
	:	ORDER
	:	
- against -	:	C.A. No. 08 CV 3689 (SCR)
	:	
Target Corporation and Doe Corporations 1-10,	:	
fictitious names for corporations unknown to	:	
Plaintiffs, who supply Target with its Trutech brand	:	
MPEG-2-compliant products,	:	
	:	
Defendants.	:	

-----X

The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure.

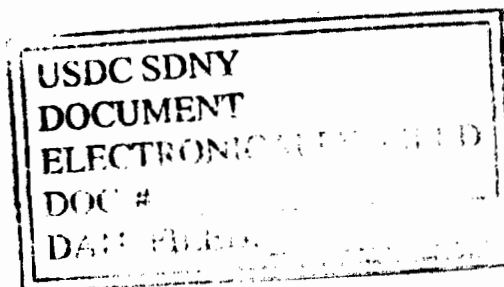
The case is to be tried by a jury.

Joinder of additional parties must be accomplished by **July 14, 2008**.

Amended pleadings may be filed until **July 14, 2008**.

Discovery:

1. First set of interrogatories are to be served by all counsel no later than **July 14, 2008**, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 shall not apply to this case.
2. First request for production of documents, if any, to be served no later than **July 14, 2008**.



3. Depositions to be completed by **January 16, 2009**.

- a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
- b. Depositions shall proceed concurrently.
- c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.

4. Any further interrogatories, including expert interrogatories, to be served no later than **November 3, 2008**.

5. Requests to Admit, if any to be served no later than **November 3, 2008**.

6. Additional provisions relating to discovery agreed upon by counsel for the parties **are attached and made a part hereof**.

Limitations on Discovery: The parties will negotiate a stipulation and protective order, and submit it to the Court.

7. All discovery is to be complete by **the dates set forth in the attached schedule. The parties recognize and agree that additional fact discovery may be required as a result of the claim construction process. The parties agree that either party may seek leave of court to modify the attached schedule to seek such discovery.**

Initial Case Management Conference **June 27, 2008 @ 10:00am**

Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the Court so orders. **The parties agree that a Pretrial Order is necessary.**

This case has been designated to the Hon. _____, United States Magistrate Judge at White Plains for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing. ✓

Unless otherwise ordered by the Court, the parties are expected to commence discovery upon the receipt of this signed Scheduling Order.

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court, except that upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial

readiness consistent with that agreed date.

White Plains, New York

SO ORDERED

Dated: *June 4, 2008*


Stephen C. Robinson, U.S.D.J.

DISCOVERY PLAN AND SCHEDULING ORDER

Deadline for Serving Initial Disclosures	June 25, 2008
Initial Case Management Conference	June 27, 2008
First Set of Interrogatories and First Requests for Production of Documents	July 14, 2008
Plaintiffs' Disclosure of Asserted Claims and Preliminary Infringement Contentions	September 12, 2008
Defendants' Disclosure of Non-Infringement Contentions and Invalidity and/or Unenforceability Contentions	October 10, 2008
Fact Discovery Cutoff	January 16, 2009
Plaintiffs' List of Claim Terms and Proposed Constructions	January 23, 2009
Defendants' List of Claim Terms and Proposed Constructions	February 13, 2009
Simultaneous Opening Claim Construction Briefs	March 13, 2009
Simultaneous Responsive Claim Construction Briefs	April 3, 2009
Claim Construction Hearing	To be set by Court
Opening Expert Reports (Party with burden on proof)	15 days after Court issues ruling on claim construction
Responsive Expert Reports	15 days after deadline for serving opening expert reports
Deadline for Expert Depositions	15 days after deadline for serving responsive expert reports
Proposed Trial Date	June 22, 2009